

**CITY GOVERNMENT  
OFFICIAL PROCEEDINGS OF CITY COUNCIL  
SAVANNAH, GEORGIA  
February 10, 2011**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Alderman Felser, followed by the Pledge of Allegiance to the Flag. The Minutes of the meeting of January 26, 2011 City Council Meeting and the January 26, 2011 Summary Minutes of the City Council Work Session and City Manager's Briefing were approved upon motion of Alderman Jackson, seconded by Alderman Jones, and carried

**PRESENT:** Mayor Otis S. Johnson, Presiding  
Mayor Pro-Tem Edna B. Jackson  
Alderman Tony Thomas, Chairman of Council  
Alderman Van Johnson, II, Vice-Chairman of Council  
Aldermen Larry Stuber, Clifton Jones, Jeff Felser, Mary Osborne and Mary Ellen Sprague

Acting City Manager Rochelle S. Toney  
City Attorney James B. Blackburn  
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

Upon motion of Alderman Osborne, seconded by Alderman Jones, approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held January 26, 2011 for the purpose of discussing personnel. (SEE RESOLUTIONS).

Upon motion of Alderman Johnson, seconded by Alderman Jackson, approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held today, for the purpose of discussing legal matters and personnel. (SEE RESOLUTIONS).

**LEGISLATIVE REPORTS**

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses and upon motion of Alderman Johnson, seconded by Alderman Thomas, and carried, they were approved:

**ALCOHOL BEVERAGES LICENSE HEARING**

Jeffrey Allan Downey for Circa 1875 LLC d/b/a Circa 1875, requesting a liquor, beer and wine (drink) license with wine tasting and a hybrid permit at 48 Whitaker Street, which had a 2010 liquor, beer and wine (drink) license and is located between Broughton and Congress Streets in District 1. (Adding wine tasting and hybrid permit.)

Robert Earl Ericson Jr. t/a Rouge Water Tap House, requesting a liquor, beer and wine (drink) license at 38 Martin Luther King, Jr. Boulevard, which had a 2010 liquor, beer and wine (drink) license and is located between Broughton and Congress Streets in District 1. (Change of ownership during renewal.)

Chong A. Surrence for AE Chong Enterprise, Inc. d/b/a Savannah Gentlemen's Club, requesting a liquor, beer and wine (drink) license at 325 E. Montgomery Cross Road, which had a 2010 liquor, beer and wine (drink) license and is located between Bruce Street and Aegean Avenue in District 4. (Change of ownership during renewal.)

Janak Patel for Rippol- Krisha Inc. d/b/a Cha- Del's Liquor Store, requesting a liquor, beer and wine (package) license at 2315 Bull Street, which had a 2010 liquor, beer and wine (package) license and is located between 39th and 40<sup>th</sup> Streets in District 5. (Change of ownership during renewal.) Alderman Jackson asked if this was an existing business because the Mission Church was nearby. Acting City Manager Toney stated it was

existing. Upon motion of Alderman Jackson, seconded by Alderman Osborne, and carried, it was approved.

## **REPORTS**

### **PETITIONS**

Levi Jones – Petition 13026, requesting a quit claim deed conveying all of the interest the City has in 2206 Iowa Street (PIN 20038-01001), known as Lots 30 and 31, Block 7, East Savannah, Jenkins Ward, from a tax deed dated July 13, 1992. Recommend approval. All taxes and fees owed the City have been paid. (See “RESOLUTIONS”.)

**BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the foregoing recommendations are hereby adopted and approved upon motion of Alderman Jones, seconded by Alderman Sprague, and carried.

## **RESOLUTIONS**

### **A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION**

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows:

At the meeting held on the 26<sup>th</sup> day of January, 2011 the Council entered into a closed session for the purpose of discussing personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2011 UPON MOTION OF ALDERMAN OSBORNE, SECONDED BY ALDERMAN JONES, AND CARRIED

### **A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION**

**BE IT RESOLVED** by the Mayor and Aldermen of the City of Savannah as follows:

At the meeting held on the 10<sup>th</sup> day of February, 2011 the Council entered into a closed session for the purpose of discussing legal matters and personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2011 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN JACKSON, AND CARRIED

St. Patrick's Day Festival 2011: A resolution to designate March 17, 18 and 19 as the festival days for the St. Patrick's Day Festival 2011; to designate the Festival Zone as the area bounded by the Savannah River on the north, Factors Walk on the south, Martin Luther King, Jr. Boulevard on the west, and on the east by a line extending north along the center line of the railroad track to the Savannah River with such line being east of the Marriott Hotel; to authorize the City Manager to implement regulations and controls for the Festival Zone from 8:00 a.m. to 3:00 a.m. on March 17, 18, and 19; and to end outside entertainment within the Festival Zone at 12 a.m. on March 17, 18, and 19.

**A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH FOR A ST. PATRICK'S DAY PARADE**

A resolution to designate March 17<sup>TH</sup> through March 19<sup>TH</sup> as the festival days for the St. Patrick's Day Festival 2011; and to designate the area bounded by the Savannah River on the north, Factors Walk on the south, Martin Luther King, Jr. Boulevard on the west, and on the east by a line extending north along the center line of the railroad track to the Savannah River with such line being east of the Marriott Hotel as the Festival Zone.

**WHEREAS**, the Festival Ordinance of 1999, Section 6-2423, provides that on the recommendation of the City Manager, the Mayor, and Aldermen may designate and name certain community festival days, including the "St. Patrick's Day Festival, " and during such festival days authorize cultural and entertainment events and initiate the regulatory provision of the ordinance within the festival area.

**WHEREAS**, the Festival Ordinance of 1999, Section 6-2425, provides that upon recommendation of the City Manager, the Mayor, and Aldermen may designate one of more Controlled Zones within the Festival Area, and may authorize the City Manager to implement regulations and controls which will be specific for each designated Controlled Zone and the Mayor and Aldermen may designate and authorize a non-profit tax-exempt organization or similar entity to organize and manage festival activities within the Controlled Zone.

**AND WHEREAS**, the City Manager has recommended designation of the St. Patrick's Day Festival 2011.

**NOW, THEREFORE, BE IT RESOLVED** that March 17<sup>TH</sup> through March 19<sup>TH</sup> are designated as the festival days for the St. Patrick's Day Festival 2011.

**AND BE IT FURTHER RESOLVED** that the Festival area bounded by the Savannah River on the north, Jones Street on the south, Martin Luther King, Jr. Boulevard on the west, and on the east by a line extending north along the center line of the railroad track to the Savannah River with such line being east of the Marriott Hotel is designated as the Festival Zone, and that the City Manager is authorized to implement regulations and controls for the Festival Zone during the hours of March 17<sup>TH</sup>, 8:00 a.m.– 3:00 a.m., March 18<sup>TH</sup>, 8:00 a.m. – 3:00 a.m. and March 19<sup>TH</sup> from 8:00 a.m. until 3:00 a.m. Outside entertainment within the Festival Zone will end at 12 a.m. on March 17<sup>TH</sup>, March 18<sup>TH</sup>, and March 19<sup>TH</sup>.

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2011 UPON MOTION OF ALDERMAN OSBORNE, SECONDED BY ALDERMAN THOMAS, AND CARRIED.

Georgia Department of Revenue Sales Tax Compliance Program. A resolution authorizing the City of Savannah to participate in the Georgia Department of Revenue's program to verify that businesses paying occupation taxes and regulatory fees are also paying their state and local sales taxes. One of the Georgia Municipal Association's legislative priorities over the last few years has been to ensure that all state and local sales taxes are collected and remitted to the Department of Revenue (DOR). To assist DOR in its sales tax collection efforts, legislation was passed last year that created a voluntary program for cities and counties to share information on their occupational tax certificates with DOR. Once DOR has this information available to it, the department can then look

for discrepancies between local occupational tax certificates and state sales tax records. Businesses that appear on a city or county occupational tax certificate list, but do not appear on DOR's sales tax records, will then be investigated. DOR is testing the transmittal process. GMA's goal is to get as many cities as possible to pass this resolution and participate in the program.

Alderman Sprague asked how long the program would run and what type of information the City would obtain. Tom Vanderhorst, Revenue Director explained the state tax identification numbers; they will mesh their information with the City's. Ms. Sprague stated the information is important for businesses that don't have business licenses. Mr. Vanderhorst stated, in talking with the Georgia Municipal Association, they said it was a pilot program. Alderman Jackson asked how many cities are in the pilot program. He stated they were first trying to see how many cities passed the resolution.

## **A RESOLUTION TO PARTNER WITH THE GEORGIA DEPARTMENT OF REVENUE IN AN EFFORT TO ENSURE PROPER PAYMENT OF SALES TAX**

**WHEREAS**, pursuant to O.C.G.A. § 48-13-20.1, cities and counties may collect and submit certain information to enable the Georgia Department of Revenue to ensure that businesses are properly compliant with state and local sales tax laws;

**WHEREAS**, cities and counties that levy an occupation tax or regulatory fee under O.C.G.A. § 48-13-1 *et seq.*, may pass a resolution to participate in this voluntary program;

**WHEREAS**, the City of Savannah levies an occupation tax and/or regulatory fee under O.C.G.A. § 48-13-1 *et seq.*; and

**WHEREAS**, the Mayor and the Council of the City of Savannah desires to have the City of Savannah participate in this voluntary program.

NOW, THEREFORE BE IT **RESOLVED** by the Mayor and Aldermen of the City of Savannah that the City of Savannah may participate in the Georgia Department of Revenue's program to verify that businesses paying occupation taxes and regulatory fees are also paying their state and local sales tax.

**BE IT FURTHER RESOLVED** that, upon adoption of this Resolution, any person who performs any business, occupation or profession subject to an occupation tax or regulatory fee under O.C.G.A. § 48-13-1 *et seq.* is required to provide the City the following information when paying such occupation tax or regulatory fee:

The legal name of the business; Any associated trade names for the business; The mailing address for the business; The actual physical address of each location of the business, if it is different than the mailing address; The North American Industry Classification System Code (NAICS) applicable to such business; and The sales and use tax identification number assigned to the business by the Georgia Department of Revenue, if the business is required by law to have such a number.

**BE IT FURTHER RESOLVED** that the City will provide written notice to all persons subject to the City's occupation taxes or regulatory fees and that:

This information will be provided to the Georgia Department of Revenue; and  
If the person refuses or fails to provide the required information, the City will notify the Georgia Department of Revenue of this fact.

**BE IT FURTHER RESOLVED** that, within thirty (30) days after receiving the payment of occupation taxes or regulatory fees under O.C.G.A. § 48-13-20, the City will electronically submit the information received from each business to the Georgia Department of Revenue.

**BE IT FURTHER RESOLVED** that a copy of this executed Resolution will be immediately transmitted to the Commissioner of the Georgia Department of Revenue.

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2011 UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN SPRAGUE, AND CARRIED

Quit Claim Deed – Levi Jones. A resolution to authorize granting a Quit Claim Deed to Levi Jones to release any interest which the City may have in property located at 2206 Iowa Street (PIN 20038-01001), known as Lots 30 and 31, Block 7, East Savannah, Jenkins Ward, from a tax deed dated July 13, 1992.

**A RESOLUTION TO AUTHORIZE THE GRANTING OF A QUIT CLAIM DEED TO LEVI JONES TO RELEASE ANY INTEREST WHICH THE CITY MAY HAVE IN PROPERTY LOCATED AT 2206 IOWA STREET**

**WHEREAS**, there is a City Marshal's Deeds of record dated July 13, 1992 for said property; and

**WHEREAS**, Levi Jones, is requesting that the City grant a Quit Claim Deed to release any interest it may have by virtue of said Marshal's Deed;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the City Manager is authorized to execute a Quit Claim Deed to Levi Jones, to the property described herein, and the Clerk of Council to attest said Deed and affix the City's seal.

*All those certain lots, tracts or parcels of land situate, lying and being in the City of Savannah, Chatham County, Georgia, being known and designated as Lots 30 and 31, Block 7, East Savannah, Jenkins Ward, being commonly known as 2206 Iowa Street and nearing PIN # 2-0038-01-001. Said property is the same property described in that certain tax deed dated July 13, 1992 and recorded in the Deed Book 155-D page 453 in the office of the Clerk of Superior Court of Chatham County Georgia.*

ADOPTED AND APPROVED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2011 UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN FELSER, AND CARRIED

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Alderman Stuber stated that earlier that morning they were briefed on an ordinance to amend a million dollar bond for the Acting City Manager and City Manager. The motion was passed unanimously two weeks ago. The City Attorney presented Council an ordinance for first reading. He requested a brief summary from the City Attorney. Attorney Blackburn stated, per Council's request he draft the ordinance and he gave a copy to the Clerk for first reading. Alderman Felser made a motion for the first reading to be considered the second, of the ordinance for a Public Official's Bond (often referred to as a Surety Bond), seconded by Alderman Thomas. Alderman Jackson stated they were only given the ordinance that morning and they should be given more time to review it. Alderman Thomas stated it was 4-lines long; Alderman Felser stated it had been discussed for the past 2-weeks. Alderman Johnson sated the process was out of order. Alderman Jones stated it was a tactic to avoid a vote on the City Manager. If the ordinance was passed, the City Manager would be compelled to have a million dollar bond. He stated it was discussed earlier that morning and he didn't feel they should be forced to vote on something, on first and second reading, that was just given to them that day for consideration. He stated that was not the way the Council does business. He said that Alderman Felser was trying to persuade him to vote for something that he knew was wrong. Mayor Johnson asked Attorney Blackburn if it had to be a unanimous vote for the first and second reading to pass. Attorney Blackburn stated an ordinance must have two readings; they can be at the same meeting with a unanimous consent of the Council. Any Council Person can object to the second reading and it must go to the next meeting. Mayor Johnson stated he objected to it, therefore, it was dead for a first and second reading.

## **MISCELLANEOUS ITEMS**

Revisions to the Master Plan and Guidelines for Markers, Monuments and Public Art. City Council approved the *Master Plan and Guidelines for Markers, Monuments, and Public Art in the City of Savannah* on March 1, 2007. This was the first comprehensive document outlining the process for marker and monument approval as well as establishing evaluation guidelines. A review of the Master Plan and Guidelines found that there are some guidelines which need improvement and some processes which should be modified. Additionally, the inventory maps and spreadsheets need to be updated. The proposed revisions are as follows: Inventory updates – Additions are made to the inventory list of markers, monuments and available sites. Guidelines – Revisions are made to clarify or strengthen guidelines on theme, site, design, text and funding. Process – The application process is being revised to provide a preliminary review of the design before final submission, add site plan review, and revise the role of the Technical Advisory Committee to provide comments rather than recommendations. The Historic Site and Monument Commission reviewed the proposed recommendations on August 5, 2010 and recommends approval.

Acting City Manager stated Council adopted the plan in March, 2007 and there have been minor changes to the guidelines. Alderman Thomas stated he thought Council should take more time to review the changes before taking a vote on it, because it was more complicated than the 4-sentences of the prior issue. Alderman Osborne reminded staff that she did bring it to the attention that a citizen and advisory people called to say the Toomer Monument, in Calhoun Square, was very much in need of repair and Michael Brown was made aware of it. Alderman Felser appreciated Ms. Osborne's comments and thanked Dr. Abigail Jordan for bringing it to the attention of Council. Mayor Johnson received consensus from Council to postpone this until the February 24, 2011 meeting.

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Upon motion of Alderman Thomas, seconded by Alderman Sprague and carried, the following **bids, contracts and agreements** were approved:

### **BIDS, CONTRACTS AND AGREEMENTS**

Casey South Drainage Improvements Phase II (DR911) - Contract Modification No. 3. Approval of Contract Modification No. 3 to EMC Engineering Services, Inc. in the amount of \$435,000.00. This modification covers the engineering for the stormwater improvement project to address street flooding in the Habersham Village area and also along Abercorn Street at 65<sup>th</sup> Street and Paulson Street at 63<sup>rd</sup> Street. The engineering services include design of drainage improvements, creation of bid documents, and assistance through the bid recommendation. The area served by the improvements is roughly bounded by Abercorn, 65<sup>th</sup>, Paulsen, and 60<sup>th</sup> Streets. The route of the improvements is described in Concept 4B of the draft "Casey Canal South Collection System Drainage Improvements Phase 2 Master Plan," dated January 2006. The additional work is necessary to fulfill Council direction to design and build improvements for the area. EMC was chosen originally due to their experience in this drainage basin and their expert assistance for several projects within the basin. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvements Projects/Other Costs/South Casey Drainage Improvements Phase II (Account No. 311-9207-52842-DR911).

Warning Devices for Savannah-Chatham Metropolitan Police Department Vehicles – One Time Purchase – Requisition No. 11195091. Approval to procure warning devices from West Chatham Warning Devices, Inc. in the amount of \$67,152.00. The light bars, sirens, speakers, consoles and labor will be used by the Savannah-Chatham Metropolitan Police Department to equip 48 new patrol cars. West Chatham has agreed to keep the same unit pricing from Bids B09.174 and Q09.129. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/SCMPD Support Services/Operating Supplies (Account No. 101-4240-51320).

Juniper Network Equipment – Bid No. 07.017. Approval to procure Juniper network equipment from Layer 3 in the amount of \$68,564.00. The equipment will be installed for use with the computer aided dispatch system (CAD) which is being isolated from the

City's data network and will prepare the CAD system to work with both the Savannah-Chatham Metropolitan Police Department Chatham Parkway annex and the Civic Center operations. Layer 3 Communications was awarded the contract for Information Technology supported network Juniper equipment in September, 2007. The City desires to standardize its networking systems with Juniper equipment. Pricing is based on the same discount structure (50% off list) offered though that contract. Delivery: 30 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvement Projects/Other Cost (Account No. 311-9207-52842).

Air Release Valves – Annual Contract – Bid No. 10.299. Awarding an annual contract to procure air release valves to Ferguson Underground, Inc./Waterworks in the amount of \$49,949.00. The air release valves will be used by Sewer Conveyance to release accumulations of air at high points within a pipeline. Bids were received December 14, 2010. This bid has been advertised, opened and reviewed. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Water & Sewer Fund Operations/Lift Station Maintenance/Construction Supplies & Materials (Account No. 521-2552-51340).

Portable Toilet Rental for Tara Feis and St. Patrick's Event – Annual Contract Renewal – Bid No. 11.029. Renewing an annual contract to procure portable toilet rentals from United Site Services in the amount of \$29,731.20. The 373 portable toilets will be used by the public during the Tara Feis (12 units) and St. Patrick's Day Festival events (361 units). The Savannah Waterfront Association will reimburse the City \$6,932.79 for 81 units serving River Street and City Market will reimburse the City \$3,423.60 for 40 units serving City Market. Bids were originally received February 3, 2009. This bid has been advertised, opened and reviewed. Delivery: 2 Weeks. Terms: Net-30 Days. Funds are available in the 2011 Budget, Account No. 311-9207-52842.

Security Services for City Hall, Gamble Building and Broughton Municipal Building – Annual Contract Renewal – RFP No. 11.030. Renewing an annual contract to procure security services from Norred & Associates in the amount of \$295,963.20. The security services are needed for City Hall (2 armed guards and 1 armed supervisor), Gamble Building (1 armed guard) and the Broughton Municipal Building (2 armed guards). The armed supervisor supervises all three buildings. Proposals were originally received March 10, 2009. Proposals were evaluated based on qualifications and experience with government facilities, wages and benefits provided to security personnel, references and fees. The recommended proposer Norred & Associates pays competitive wages, has good employee benefits and provides an excellent training program. It is important to have highly professional security personnel for the level of security desired by the City. Higher wages and good benefits result in a more stable and qualified staff. The lower cost proposals from City Services, National Alliance, DSI Security and EM Security do not provide the level of benefits, wages and training required in the request for proposal. The proposal has been advertised, opened and reviewed. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 211 Budget, General Fund/Central Risk Management/Other Contractual Services/General Fund/Revenue/Other Contractual Services (Account No. 101-1153-51295 and 101-111-51295).

Debris Monitoring Recovery – Annual Contract Renewal – Bid No. 11.037. Renewing an annual contract to procure debris monitoring and recovery services from Beck Disaster Recovery, Inc. The contract will be used by the Sanitation Bureau to manage and monitor debris recovery contractors and offer consulting services if needed during a declared emergency activation. The cost of these services would be reimbursed by the Federal Emergency Management Agency (FEMA) and the Georgia Emergency Management Agency (GEMA). Fees are based on hourly rates for positions needed during this activation. Beck Disaster and Recovery was recommended for award based on cost. This is the last of four renewal options available. Proposals were originally received August 21, 2007. Delivery: As Needed. Terms: Net-30 Days. The proposers were: Funds are available in the 2011 Budget, Capital Improvement/Capital Improvements/Emergency Management Fund (Account No. 311-9207-52842-PB722).

## ALCOHOL BEVERAGE LICENSE SHOW CAUSE HEARINGS

Malone's on the River. A hearing for Brijesh Patel and Arun C. Patel to show cause why their bar known as Malone's on the River at 313-317 W. River Street, located between the Barnard Ramp and Martin Luther King, Jr. Boulevard in District 1, should continue to operate due to violations of State law and City ordinances in allowing underage persons into the establishment on a regular basis prior to the expiration of the 2010 license to sell liquor, beer and wine by the drink. **(The attorney for the applicant has requested a continuance to March 10, 2011 due to a Recorder's Court hearing on February 28, 2010, and due also to the attorney being out of town on a family matter this week. Continued from January 26, 2011.)**

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Mayor Johnson stated, in the Executive Session that day, he presented Council with a proposal to discuss certain aspects of the City Manager's search. His proposal was: 1) to suspend the current search until January, 2012. There will be a new Mayor and new Council Members taking office in January, 2012. A new search process could be developed at that time. Appointing a permanent City Manager at this time, in his opinion, in the heat of this controversy, unfairly injects that person into the political campaign for the next Mayor and City Council. No matter what they do, it will still be a political campaign issue and his goal was to dis-fuse it as much as possible, so that the campaign can discuss a broad variety of needs and concerns and not be fixated on the City Manager's search. 2) Ask the Acting City Manager Rochelle Small-Toney to continue to serve in that position as Acting City Manager, with quarterly reviews as required by the Charter, and that she serve until a new City Manager is appointed. She would be eligible to apply for the position and it was his belief that this would provide stable management in the City over this period of time. Finally, it gives her some protection, because if Council were to appoint her City Manager at this time, because of the division on Council and the Community at this time it would be difficult for her to be successful; this being his personal opinion. 3) If Ms. Small-Toney should accept this offer and it is made.... there is a counter offer that is going to be presented, that she still be required as any City Manager or Acting City Manager, given what was agreed upon last meeting and what is in the pipe-line for process at this time, that she be required to acquire a one-million dollar Public Officer's Surety Bond. He then opened it up for discussion:

Alderman Stuber stated, personally, he concurred with everything the Mayor said. He concurred with two of the three recommendations he made to try to unite the community and Council. They continue to have a difference about the proposal about the Acting City Manager to continue. When the process started six-months ago, he suggested the Council appoint a City Manager that would not compete for the permanent position and he was not successful in convincing the rest of the Council to pursue that alternative. He stated that 16-days ago he personally visited some of his fellow Council Members, in a session to come up with an alternative. He said he tried a uniting alternative and he was not successful. This day he continued to try to find an alternative for the Council for the process to go forward for the next 10 -11 months. He stated he could not say yet that he was not successful because now, the issue has become larger than the Council and become larger than the 2-remaining candidates; it is an issue of divisiveness within the community. He had busted his behind to find an acceptable alternative that Council could unite around. He asked his fellow Council Members to continue to search their hearts for a way for them to come together. He then stated he would read a motion, but first he wanted to explain why he was reading the motion: 1) the current search's process is so tainted in the public's opinion, that none of the current City Manager candidates can effectively lead 2,500 City employees as an Acting City Manager, or permanent City Manager with a budget of two hundred and seventy million dollars. He sees this from experience. 2) Twelve Senior Managers of the City of Savannah Professional Staff ranked the Acting City Manager last of the four candidates. He stated Rochelle and he work fine together, but this was not his report. He said he knew from experience, a coordinated staff is needed in an organization of this type. 3) The citizen survey ranked the four candidates based on a positive and negative ratio; one of the candidates that were eliminated, actually had more negatives than positives. 4) Section 3-102 of the City Charter states the City Manger shall be chosen by Council on the basis of his character and his executive administrative qualifications, with special reference to his actual training and experience and his knowledge of his accepted practices of his duties as set



forth in this chapter. All nine of the current Council Members committed to a national search to find the best, available and qualified candidate. In his opinion, the overwhelming evidence in evaluating the candidate's qualifications does not support the consensus voted 2-weeks ago, for the final two candidates and ultimately Section 3-102 of the Charter; however, he respects the decision made. 5) It has been reported publically by Affion Search Firm that many potentially, qualified candidates did not apply due to 2011 being a City election year; he did not know this until the past few days. 6) The 2011 November elected Council will have a difference City Manager profile than the current Council, resulting in a totally different pool of candidates provide to this Council. 7) Once again, the issue is larger than the Council, the issue is larger than the candidate pool; the issue is about do they vote to have a united Council community or do they vote to be divisive. Therefore, he made the motion in the spirit of unity; he moved to suspend the City Manager's search, and as soon as possible but no later than 45-days appoint an Acting City Manager who will serve until the November, 2011 newly elected Council takes office in January, 2012. The proposed Acting City Manager will have the credentials to meet the qualifications of Section 3-102 of the City Charter; be able to qualify for a one-million dollar Public Official's Bond; will agree to serve until the new Council appoints a permanent City Manager and will not apply for the permanent City Manager's position; seconded by Alderman Felser for discussion.

Alderman Felser stated Mr. Stuber had spoken eloquently and, all who were in favor of the motion had previously reviewed his motion and they all had some input, and they are all desperately trying to make it a unified Council vote with regard to having a City Manager who can fill the support of a super-majority of the Council. He stated the previous night the public had an opportunity to "get it off their chests." They had dozens of questions that were raised and no one is giving them an opportunity to have answered. The public deserves to have answers to those questions. Just as everyone had just heard, 4-sentences were put on a second reading because there were claims there was not enough time to read, therefore those citizens deserve to have their questions answered as well. He agreed with something the Mayor had said earlier, in private, that this is a very sensitive period in Savannah and everyone must be extremely careful about what they say and do; however the compromise that the Mayor came up with, in the 3<sup>rd</sup> bullet point, the Mayor just rejected, when he asked that the motion be heard on 1<sup>st</sup> & 2<sup>nd</sup> reading; that is the vote Council just tried to take that was shot down. He stated it has been said that all compromise is based upon give-and-take, but there can be no give-and-take on fundamentals. Any compromise on mere fundamentals is surrender for it is all give, and no-take (by Gandhi). Before the vote was taken, also by Gandhi, and he hopes they move forward in the future, "that you cannot shake hands with a clinched fist." He stated there were still some clinched fists on Council and before the vote was taken he asked Council to shake hands; which they all did.

Alderman Jones stated he was in the meeting that morning when the proposal was introduced, and he was in the original meeting when the process was introduced. Council took their time and went through the process to select a City Manager and he followed the process. At the end of the line when 2-candidates were named, Council started the process about reversal, calling it sabotage, bonding, and other issues. Previously this day, one of the Council Members tried to "ram-down" a proposal that was just introduced that day. The proposal to move on 1<sup>st</sup> & 2<sup>nd</sup> reading, which is not proper; Council always discusses things before voting on them. He went on to say his friend Alderman Stuber said the process itself is tainted. He stated they all sat in a room together and if the process was tainted this day, then it was tainted a long time ago. He also said, everyone in the public has a right to their opinion and the citizens of Savannah are stating their opinions one way or the other; the Council has nine-separate opinions, and they have nine-votes and before long will be expressing their position on this issue. It needs to be done and gotten rid of because of the people that they represent. He stated he was in the meeting the night before and he found the comments coming from the public were the same comments that the Council had been hearing all along. Some citizens spoke with some pre-determined decisions on what they would speak about, they indicated their disapproval of the process, and that is their right. However, at the same time he felt he had an obligation, being elected to the Council, and holding his hand up and swearing that he would carry out the dictates of the Council, that he has a right not to forgo the vote and pass it along to someone else, but to take action on it just as they do on every action brought before them. There is no reason to shift this to someone else, because they don't know who those people may be, but they do know who they are - the present Council. Also, they know that as of now, five of them are in favor of selecting a City

Manager, and four of them are not. There is also a good chance that one of them or some of them would jump-ship, and that would help the other side; but that does not matter, they would still have voted. All of the roadblocks that are being thrown up, like requiring a million dollar bond which this City has yet to have approved for a City Manager. The records were searched; it was said that Michael Brown had a million-dollar bond and he didn't know how it got in the record, but it was not approved by Council. Therefore, Council is trying to vote on a policy without very much discussion. He stated he believed, like any other issue that came before Council, that it should be on a piece of paper, because he did not recall seeing any piece of paper regarding the bond issue. He said he did not wish to waste time, but he had been in the City of Savannah long enough to know, that when they talk about uniting, the word itself depends on individuals, and anyone living in the City knows it. Everyone has had incidents that crushed their belief in a god sometime; because everyone has opinions and some of the opinions are so strong that it prohibits them from uniting. He stated he had lived long enough to see hatred and discrimination, and denial of opportunities in this City. Savannah has an Acting City Manager now, who is on the list to be appointed as a permanent City Manager. When Council appointed her as Acting City Manager, they had no problem with her at all, and until this point, unless there was some individual Council Member with problems, he believed what they started with still stands. Whether we unite or not, we still live in Savannah, we should care about one another and this too shall pass. But we need to take action on it. There was a second candidate at the last meeting and he is not being discussed because someone said there are some charges against him. Whatever he is charged with, he is innocent until found guilty.

Alderman Thomas stated in January during the MLK observation, the Mayor made a speech at a local church and the Mayor admitted that mistakes may have been committed in the search. It bothers him that many of them have been painted negatively. One citizen, Marilyn Jackson called the Caucasian members of Council sadistic. He said it was a fact; she said it and asked if it meant he took pleasure in hurting others. He said it bothered him that the tone has eroded to that level in this community. He told the Mayor what bothered him the most was what he had said earlier that day; pertaining to what he hoped the search for a new City Manager would produce.

Mayor Johnson stated he had said when the opportunity to hire a City Manager presented itself, it was his hope that they would find a person who would continue the high level of professionalism that the City had experienced with City Managers Mendonza and Brown. His second hope was, with the combination of that search, is that they would break one of the social barriers in the community, and that is to have a person who looks like him to be the City Manager. The two goals are not competing nor are they conclusive. He stated there are individuals who look like him who could lead the City to the next level, if given an opportunity; and as a person who has spent all of his life breaking barriers, and if the combination of those two jive, then he was all for it. He said he did not apologize for it; he had no reason to apologize for it.

Alderman Thomas stated, when they began they were instructed to have a national search for the highest and best qualified person, regardless of color and when the Mayor injected that into today's meeting, it bothered him that the search was defined and engineered into finding someone that looked like him. Mayor Johnson stated it was Alderman Thomas' opinion; to which Mr. Thomas stated it was his opinion and he had a right to it. He said it would remain his opinion that whatever the outcome, the search was tainted and flawed from the beginning.

Alderman Felser wanted to clarify something said by Alderman Jones about Mr. Lott so that the community did not misinterpret it. Mr. Lott is no longer a viable candidate. Mayor Johnson stated he said it because it was his belief if they voted now or later that Mr. Lott would have been eliminated. He said a lot of things have been said; therefore they should put Mr. Lott and Ms. Toney up and vote on them.

Alderman Johnson stated everything is repeated, in some type of way, and he did not know why they had Executive Sessions. He said often they were referred to as a "just and caring community," but unfortunately they did not seem just or caring. He said a lot has been talked was talked about in the process; and that each member either unanimously or nearly unanimously, at each juncture in the process confirmed the process to move forward. It is stated differently to the media, but the record will show that the Mayor stated that at any point the Council chose to disengage themselves from

the process, they could vote to do so. They have not, nor has there been a call to do so. Therefore, the flawed search and flawed process that everyone talks about, is tied to all of them because they have all confirmed the process. He stated there have been calls for leadership and unity; and the Mayor offered a compromise position, and he liked being a majority and he enjoyed it, but reality is, compromise positions require some give and take. With this compromise the City is able to suspend the search, and able to sustain leadership for the next administration, and they are able to make sure Ms. Toney's name is not harmed in the process and that she has to be able to fit the requirements of what they had just voted on. In reality, they voted on it, but not rush it through on the first reading. In his opinion that was give-and-take; but what he was hearing was take, take, and take. He stated he was in a majority position and they could vote this day and let the chips fall where they may, but he was willing for the sake of the City and for divisiveness, to end the atmosphere that has invaded the City. He stated he was in favor of freezing it, let the City be governed and let the next Council handle it. To him that was a compromise and the best he could see. Going with Alderman Stuber's suggestion, he felt he was giving, giving, and giving and Mr. Stuber was taking, taking, and taking.

Alderman Osborne stated, of all that had been said, the one thing she had not heard was that Rochelle Small-Toney was more than qualified, and has proven by performance her ability to govern the City and she supported her 100%.

Alderman Jackson stated some figures were given out about how the surveys went, and when the citizens gave their surveys, the highest, positive vote was for Rochelle Small-Toney. Out of 74-people who attended her session, she received 52-votes. Ms. Jackson stated she felt uncomfortable discussing all of that with Ms. Toney being present; it was not intended. When Ms. Toney came to Savannah as Assistant City Manager, her first thought was that Michael Brown would not present anyone to Council that could not serve in his steps. She has shown to all of them that she could run the City as this has been one of the most difficult times in the budget and the financial standings of the City. She and her staff were face with some very difficult tasks to complete and they rose to the occasion and that shows leadership. She said someone has said that upper management and upper staff is not pleased, and she did not believe that was everyone, maybe some because anytime there is change there will be difficulties because people don't want change; there is always a group who does not want to see change. She stated there are two compromises presented that day and the community is too divided and she had never seen it divided on issues even during the Civil Rights Movement. Council has to be responsible for bringing it back together. She stated Alderman Stuber agreed with 2 of the Mayor's recommendations; and he offered an alternative compromise. Ms. Jackson stated her problem with Mr. Stuber's offer was that of putting Ms. Toney back in her position as Assistant City Manager and bringing someone else in to run the City. She said that was a slap in the face after the kind of work Ms. Toney has given to the Council. Also, staff can work with Ms. Toney on those personal issues. If they were going to bring the community back together it will take all of them making sacrifices. She said she did not want to make a compromise on the back of a person who has served them well in the community. No matter what they do there will always be people who are not happy.

Tripp Tollison with the Chamber applauded the Mayor for coming forth with a compromise as it is what the community has been wanting. He also applauded Mr. Stuber. He asked that the Council hear from the community and how they felt about the compromises before they take a vote.

Henry T. Wilfong, Jr. stated several things came up the night before and resurfaced again today. First, no matter how high he has risen in life, he was always faced with the fact that he was a black man. He stated some citizens had questions and did not get answers; but whatever the Council decides he would be happy because it was his City. He said his concern was Ms. Toney; he and his wife worked constantly with her and the Mayor and occasionally some other Council Members. Ms. Toney is one of the most competent people he has ever run into in office, in addition to being out in the community doing the kind of things the community wants her to do. He stated he felt the Mayor's compromise was too much.

Jacqueline Semesco stated she did not think there was a division in the community because the division started with Council. Council is the example for the rest of Savannah. The distension among Council now is ugly.

Alicia Blakely said Council was elected to do a job, and now they were trying to pass it to the next City Council that comes on board and that is not what the citizens elected them to do. They were elected to make the tough decisions and the citizens expect them to do so. If Ms. Toney is qualified to do the job, then make the tuff decision and appoint a City Manager.

Ruel Joyner appreciated the Mayor and Alderman Stuber's compromise. He stated they would all work through this and unite. He apologized to Ms. Toney for all she has had to go through.

Mayor Johnson called for a vote. Alderman Stuber repeated his motion for the record: he moved to suspend the City Manager's search, and as soon as possible but no later than 45-days appoint an Acting City Manager who will serve until the November, 2011 newly elected Council takes office in January, 2012. The proposed Acting City Manager will have the credentials to meet the qualifications of Section 3-102 of the City Charter; to be able to qualify for a one-million dollar Public Official's Bond; will agree to serve until the new Council appoints a permanent City Manager and will not apply for the permanent City Manager's position; which was seconded by Alderman Felser. The votes in favor of the motion were Alderman Felser, Stuber, Thomas, and Sprague. Voting against the motion were Alderman Johnson, Jackson, Jones, Osborne, and Mayor Johnson. The motion failed.

Mayor Johnson called for a vote on his proposal which was: 1) to suspend the current search until January, 2012. 2) Ask the Acting City Manager Rochelle Small-Toney to continue to serve in that position as Acting City Manager, with quarterly reviews as required by the Charter, and that she serve until a new City Manager is appointed. She would be eligible to apply for the position. 3) If Ms. Small-Toney should accept this offer and it is made, as City Manager that she be required to acquire a one-million dollar Public Officer's Surety Bond. This motion was made by Alderman Johnson, seconded by Alderman Jackson. Alderman Jones stated this motion includes the bond that they have yet to vote on. Mayor Johnson stated that the reason he said it was contingent, because the ordinance for the bond had not passed. The votes in favor were Mayor Johnson, Alderman Johnson, Jackson, and Stuber. Those voting against the motion were Alderman Felser, Jones, Sprague, Osborne and Thomas. The motion failed.

Alderman Jones made the motion to hire Ms. Rochelle Small-Toney as the permanent City Manager. The motion failed for lack of a second.

Alderman Felser made a motion to adjourn. Mayor Johnson declared this meeting of Council adjourned.

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**\* February 24, 2010 - Council Meeting**

Leisure Services Director Joe Shearouse, representing the City's Bureau Chiefs, thanked the Council for giving them the opportunity to interview the Candidates for City Manager. Mr. Shearouse stated they interviewed the candidates with pre-arranged questions, made notes of strengths, weaknesses, and comments. He then presented Clerk of Council Dyanne C. Reese a memo from the City Bureau Chiefs a memo be made a part of the minutes of the City Council meeting of February 10, 2011, clarifying their positions in the review process. Alderman Stuber stated he stood by his analysis based on a report he was given of a summary of the responses from the employees. He also based it on a business tool he used called the Balanced Score Board. He asked that this be made a part of the record along with the resumes of the four finalists, their PowerPoint presentations, and the Clerk of Council's report identifying positives and negatives on each candidate. Upon motion of Alderman Johnson, seconded by Alderman Osborne, and carried the addendum to the February 10, 2011 minutes were added.

All copies are on file in the Clerk of Council's Office.



Dyanne C. Reese  
Clerk of Council